

**MEMORANDUM OF UNDERSTANDING**

**AMONG THE**

**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**FOREST SERVICE**

**AND**

**UNITED STATES DEPARTMENT OF ENERGY**

**REGARDING REGIONAL PERIODIC REVIEWS,**  
**INCLUDING REVIEW OF**  
**INTERAGENCY OPERATING PROCEDURES,**  
**FOR SECTION 368 CORRIDORS**

**I. Introduction**

This memorandum of understanding (MOU) is entered into among the United States Department of the Interior (DOI), Bureau of Land Management (BLM); the United States Department of Agriculture, Forest Service (FS); and the United States Department of Energy (DOE), jointly referred to as “the Agencies.”

**II. Purpose**

This MOU and the attached work plan (Appendix A) satisfies requirements of the settlement agreement for *Wilderness Society v. United States Department of Interior*, No. 3:09-cv-03048-JW (D.N.D. Cal.), approved on July 11, 2012 (Settlement), and attached as Appendix B. This MOU describes the interagency process for conducting regional periodic reviews of the section 368 corridors, including review of interagency operating procedures (IOP), to assess the need for revisions, deletions, or additions; the types of information and data to be considered in the reviews; and the process for incorporating resulting recommendations in BLM and FS land use plans.

**III. Background**

On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAAct) (42 U.S.C. § 15801 *et seq.*). In Section 368 of the EPAAct (42 U.S.C. 15926), Congress directed the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior to designate corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the 11 contiguous western states (section 368 corridors). The Agencies were also directed to perform any environmental reviews required to complete the

designation of section 368 corridors, incorporate the section 368 corridors into land use plans, and establish a process for identifying new section 368 corridors.

On January 14, 2009, the BLM approved a record of decision (ROD) that amended 92 BLM land use plans and designated approximately 5,000 miles of section 368 corridors on BLM-administered lands. The affected states include Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The FS issued a ROD on January 14, 2009, which amended 38 FS land use plans and designated approximately 990 miles of section 368 corridors on National Forest System lands in 10 states. The RODs stated that the Agencies intended to produce an interagency MOU for implementation of the RODs.

The DOI based the ROD on the analysis in a 2008 final programmatic environmental impact statement (EIS). The DOE and the BLM were lead agencies in preparation of the draft and final programmatic EIS. The FS, United States Department of Defense, and United States Fish and Wildlife Service participated as cooperating agencies.

On July 7, 2009, several non-governmental organizations filed a complaint in the United States District Court for the Northern District of California challenging the DOI and FS RODs pursuant to the EPCA, National Environmental Policy Act (NEPA), Endangered Species Act, and Administrative Procedure Act.

On July 11, 2012, the court dismissed the case pursuant to the Settlement. The primary objective of the Settlement is to ensure that future section 368 corridor revisions, deletions, and additions consider the following principles: (1) location of section 368 corridors in favorable landscapes; (2) facilitation of renewable energy projects where feasible; (3) avoidance of environmentally sensitive areas to the maximum extent practicable; (4) diminution of the proliferation of dispersed rights-of-way crossing the landscape; and (5) improvement of the long-term benefits of reliable and safe transmission.

The Settlement further established that public input and an open and transparent process with engagement by tribes, States, local governments, and other interested parties would occur as part of the process for making potential revisions, deletions, or additions to section 368 corridors. To accomplish these objectives, the Settlement set forth five provisions. Two of these provisions are relevant to this MOU: (1) to establish a process for periodic review of the section 368 corridors and the IOPs, and (2) to develop a corridor study to assess the overall usefulness of the section 368 corridors. Although the section 368 corridor study will be produced under a separate work plan, it will inform the regional periodic review of the section 368 corridors. Additionally, the Agencies will re-evaluate as part of the regional periodic reviews the 45 corridors of concern (COC) identified by the Plaintiffs in Exhibit A of the Settlement. All obligations under the Settlement are contingent upon the availability of appropriated funds.

The following time lines established by the Settlement are relevant to this MOU:

- By July 11, 2013, the Agencies will complete a MOU to describe the process for regional periodic reviews, including review of IOPs, for section 368 corridors.
- Twelve months after signing the MOU, the Agencies will complete a regional periodic review, including recommendations regarding revisions, deletions, or additions to the section 368 corridors.

#### **IV. Authorities**

##### **BLM**

The Federal Land Policy and Management Act of 1976, as amended (FLPMA), 43 U.S.C. § 1701 *et seq.*

##### **FS**

The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, 16 U.S.C. § 1600 *et seq.*; FLPMA, 43 U.S.C. § 1701 *et seq.*; and the Mineral Leasing Act of 1920, 30 U.S.C. § 181 *et seq.*

##### **DOE**

DOE Organization Act, 42 U.S.C. § 7131 *et seq.*

#### **V. Workgroup Roles and Responsibilities**

##### **A. Interagency Workgroup**

1. The Agencies have established an interagency workgroup (Workgroup) composed of national office and field personnel (see Appendix C). The Workgroup anticipates meeting bi-weekly either in person, by telephone, or by webinar. The Workgroup may, if necessary, request the occasional participation of other Agency subject matter experts not identified in Appendix C.
2. The Workgroup may utilize contractors to assist with various tasks, including the regional periodic review of section 368 corridors, document preparation, website and document hosting, and external outreach.
3. The Workgroup will remain in effect for at least 2 years after this MOU is fully executed. The Workgroup will review the effectiveness of the MOU on its first anniversary date. After its second anniversary date, the Workgroup may be disbanded upon written agreement of all the Agencies. Any Agency seeking to disband the Workgroup must notify the other Agencies in writing. A final decision to disband the Workgroup will be made after a meeting of all the Agencies.

4. The Workgroup will consider the following when prioritizing regions for review:
  - COCs;
  - Section 368 corridors with environmental or technical concerns identified during an environmental review or land use planning process;
  - Ongoing or planned transmission lines or pipelines of national or regional significance that are or may be located in section 368 corridors;
  - Ongoing or planned energy development projects that may require use of section 368 corridors; and
  - The availability and quality of existing data.
5. The Workgroup has identified new relevant information per section V.B of this MOU that is pertinent to the consideration of section 368 corridors. In general, the Agencies agree to consider significant regional energy development and corridor and transmission plans and studies, supplemented by select project-specific studies completed after January 2009 or those which are substantially underway.
6. The Workgroup will examine the new relevant information, the section 368 corridor study, and public input during Workgroup meetings. The Agencies will take this information into consideration in conducting the regional periodic review of the section 368 corridors and will develop recommendations for any revisions, deletions, or additions to the section 368 corridors. The regional periodic review record will reference the information the Workgroup reviewed and relied upon in making recommendations.
7. The BLM and the FS will ensure that recommendations are conveyed to appropriate agency line managers and staff and that these recommendations are fully considered during land use planning, as appropriate under applicable law, regulations, and agency policy and guidance.
8. The BLM and the FS will rely upon the four general principles in section V.C of this MOU as the guidance for conducting the regional periodic review of the section 368 corridors. The Workgroup will also consider input from the public, tribes, State and local governments, and other Federal agencies (including member agencies of the Rapid Response Team for Transmission (RRTT), for more information about the RRTT visit [www.whitehouse.gov/administration/eop/ceq/initiatives](http://www.whitehouse.gov/administration/eop/ceq/initiatives)).
9. The Workgroup will provide a brief annual report to each Agency and their principal contacts. The report will assess the effectiveness of the Workgroup in meeting required timeframes, engaging interested parties, and informing appropriate Agency managers. The report will summarize progress on meeting the requirements in the Settlement as compiled from quarterly reports. The report will also assess the current utility of the Workgroup. The report will be made available to the public on the web, along with a summary of any revisions, deletions, and additions to the section 368 corridors completed at that time.

## **B. Review materials**

The new relevant information that the Workgroup will review includes, but is not limited to, the following:

1. Results of the joint studies of electric transmission needs and renewable energy potential being conducted by the Western Electricity Coordinating Council and the Western Governors' Association (WGA) and funded by the DOE;
2. Results of the BLM's rapid ecoregional assessments that characterize the ecological values across regional landscapes;
3. The Agencies' corridor study assessing the efficient and effective use and lessons learned regarding section 368 corridors and IOPs;
4. Other ongoing resource studies, such as the WGA wildlife corridor study, the BLM's and the FS's National Sage-Grouse Habitat Conservation Strategy, and the State of Wyoming's sage grouse strategy;
5. The BLM and the FS Sage Grouse Regional Land Use Plans that overlap the section 368 corridors;
6. Current studies and other factors, such as States' renewable portfolio standards, that address potential energy demand, source, and load, with particular regard to renewable energy;
7. The BLM's and the DOE's joint programmatic EIS assessing the environmental, social, and economic impacts associated with solar energy development on the BLM-managed lands in the States of Arizona, California, Colorado, Nevada, New Mexico, and Utah;
8. Restoration Design Energy Project Final EIS and Record of Decision issued in January 2013;
9. Desert Renewable Energy Conservation Plan draft EIS and draft Environmental Impact Report scheduled for release in 2013;
10. The BLM Wind and Transmission Study for southern Wyoming;
11. Draft and final EISs and land use plan amendments and related studies for select pipeline and transmission line projects of national or regional significance that use section 368 corridors;
12. Renewable Electricity Futures Study Report (2012);

13. Transmission Corridor Assessment Report for the Western States to be prepared by the DOE in accordance with the requirements set forth in subsection (b) of section 1 of the Presidential Memorandum on “Transforming our Nation’s Electric Grid Through Improved Siting, Permitting, and Review”; and

14. New IOPs submitted by the Plaintiffs in the Settlement.

### **C. Corridor Siting Principles**

The Agencies will review the section 368 corridors in the areas below to ensure that the four general principles listed in this section were considered prior to making recommendations for revisions, deletions, and additions to the section 368 corridors:

- Northeastern California and northwestern Nevada;
- Southern California, southeastern Nevada, and western Utah; and
- Southern Wyoming, northeastern Utah, and northwestern Colorado.

The BLM and the FS will make future recommendations for revisions, deletions, and additions to the section 368 corridors consistent with applicable law, regulations, and agency policy and guidance and will consider the following four general principles in future siting recommendations:

1. Section 368 corridors are thoughtfully sited to provide maximum utility and minimum impact to the environment;
2. Section 368 corridors promote efficient use of the landscape for necessary development;
3. Appropriate and acceptable uses are defined for specific section 368 corridors; and
4. Section 368 corridors provide connectivity to renewable energy generation to the maximum extent possible while also considering other sources of generation, in order to balance the renewable sources and to ensure the safety and reliability of electricity transmission.

In accordance with the EPO Act, the Agencies will ensure that all future section 368 corridors are designated for the placement of oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the 11 contiguous western states. The designation of section 368 corridors will include a specified centerline, width, and compatible uses. The EPO Act and the BLM’s and the FS’s RODs specify that additional section 368 corridors are to be promptly identified and designated as the need arises.

Agencies shall also consider the requirements set forth in subsection (a) of section 1 of the Presidential Memorandum on “Transforming our Nation’s Electric Grid Through Improved Siting, Permitting, and Review.”

## **D. IOPs**

The BLM and the FS will review the IOPs adopted in their respective RODs designating section 368 corridors. The BLM and the FS will review the current utility of the IOPs and pertinent new data and will actively solicit suggestions from the public for changes to the IOPs. Public input will be sought through a variety of means, such as in-person meetings, webinars, e-mail, and paper copy submissions. The BLM and the FS will consider new IOPs submitted by the plaintiffs in *Wilderness Society v. United States Department of Interior* for specific resources, including but not limited to wildlife, wilderness characteristics, and special areas. The BLM and the FS will develop recommendations for updating the IOPs concurrently with their regional periodic review of section 368 corridors.

## **E. Implementation of Workgroup Recommendations**

Workgroup recommendations for section 368 corridor revisions, deletions, and additions will be considered for implementation through BLM and FS land use planning and environmental review processes. Final decisions on corridor changes will occur at the regional or local level in accordance with applicable land use planning laws, regulations, and policies. There are three circumstances when corridor changes may occur:

1. During the normal course of land use plan revisions;
2. During an amendment to a land use plan caused by a project proposal that does not conform to a land use plan or when issues within a designated section 368 corridor necessitate review of an alternative corridor; or
3. During an amendment to a land use plan to address corridor changes.

The BLM and the FS will adopt recommended additions, revisions, and deletions to the IOPs through completion of a guidebook outlining best management practices. Recommendations that result from review of the IOPs will be considered by the Agencies for inclusion during the next round of revisions to the guidebook.

## **F. Communications and Public Input**

The Workgroup will develop a communications and outreach plan to guide the process for communication inside and outside the Agencies. The communications and outreach plan will help ensure communication is timely, clearly stated, and disseminated appropriately.

There will be two significant opportunities for public input:

1. The Workgroup will solicit comment from the public regarding the Workgroup's regional periodic review of 368 corridors and subsequent recommendations, and will coordinate with other Federal agencies (including member agencies of the RRTT), tribes, States, and local governments during the review and before making recommendations. Workgroup members will use this same process in reviewing and making recommendations on IOPs.

The public will be notified at least 15 days in advance of any meetings, webinars, or solicitations for comments. Notifications may include publication in the *Federal Register*, newspapers, news releases, and posting on Agency websites. Outreach may include listening sessions, electronic town hall meetings, web postings, or other appropriate means.

2. Any land use plan amendments based on Workgroup recommendations will require evaluation under NEPA in accordance with applicable law, regulations, and BLM and FS policy and guidance. The Agencies agree to a robust public involvement process and will ensure that:
  - a. The NEPA process follows the applicable BLM and FS procedures, including all applicable opportunities for stakeholder, tribal, State and local government, and Federal agency participation;
  - b. All potentially interested parties are provided opportunities to participate in scoping and the environmental review process as required by applicable BLM and FS procedures; and
  - c. Opportunities for full involvement of minority populations, low-income communities, and tribes are promoted and provided by the BLM and the FS.

### **G. Agency Responsibilities**

DOE will provide technical review, advice, and assistance regarding:

1. The need for proposed energy transport facilities;
2. The practical functionality of section 368 corridors;
3. The impact on reliability and electric system operation for facilities located outside section 368 corridors; and
4. Other technical factors relevant to siting pipelines and transmission lines.

The BLM and the FS will make recommendations for revisions, deletions, and additions to section 368 corridors and will ensure that these recommendations are considered consistent with applicable law, regulations, agency policy and guidance, and this MOU.

### **VI. Principal Contacts**

The Agencies' principal contacts will ensure coordination during implementation of this MOU. The Agencies' principal contacts and contact information are listed in Appendix C of this MOU. The Agencies may change their principal contacts at any time by providing a revised list to the other Agencies.

## **VII. Funding**

### **A. Expenses**

Subject to the availability of appropriated funds, the Agencies agree to fund their own expenses associated with implementation of this MOU.

### **B. Obligation of Funds**

Nothing in this MOU authorizes the Agencies to obligate or transfer funds. Specific projects or activities that involve the transfer of funds, services, or property among the Agencies require execution of separate agreements and are contingent upon the availability of appropriated funds. These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable law.

## **VIII. Compliance with Applicable Laws and Regulations, Effect on Existing Law, and Members of Congress**

### **A. Compliance with Applicable Laws and Regulations**

This MOU is subject to all applicable Federal laws and regulations.

### **B. Effect on Existing Law**

Nothing in this MOU is intended to alter, limit, or expand the Agencies' statutory and regulatory authority.

### **C. Members of Congress**

No member of or delegate to Congress may benefit from this MOU either directly or indirectly.

## **IX. Term and Amendments**

### **A. Term**

This MOU becomes effective when it is fully executed and will expire 5 years from its effective date.

### **B. Amendments**

Amendments to this MOU may be made upon the written agreement of all the Agencies.

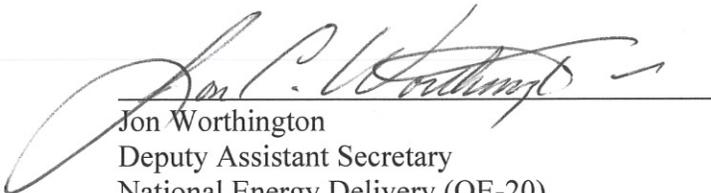
**X. Signatures**

All signatories have the appropriate delegation of authority to sign this MOU.



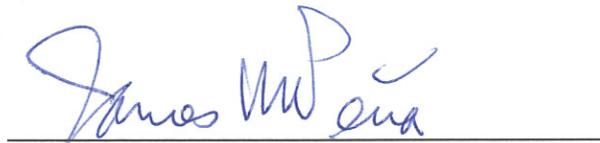
Michael D. Nedd  
Assistant Director  
Minerals and Realty Management  
Bureau of Land Management  
United States Department of the Interior

Dated: 7/8/13



Jon Worthington  
Deputy Assistant Secretary  
National Energy Delivery (OE-20)  
Office of Electricity Delivery and Energy Reliability  
United States Department of Energy

Dated: 6/26/13



Leslie A. C. Weldon  
Deputy Chief, National Forest System  
United States Forest Service  
United States Department of Agriculture

Dated: 6/27/13

**LIST OF MOU APPENDICES**

- APPENDIX A – Approved Work Plan for Regional Periodic Reviews, Including Review of Interagency Operating Procedures, for Section 368 Corridors
- APPENDIX B – Settlement Agreement for *Wilderness Society v. United States Department of Interior*, No. 3:09-cv-03048-JW (D.N.D. Cal.), approved on July 11, 2012
- APPENDIX C – Section 368 Interagency Workgroup Members and Agencies' Principal Contacts

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**AND**

**UNITED STATES DEPARTMENT OF ENERGY**

**APPROVED WORK PLAN  
FOR  
REGIONAL PERIODIC REVIEWS,  
INCLUDING REVIEW OF  
INTERAGENCY OPERATING PROCEDURES,  
FOR SECTION 368 CORRIDORS**

**July 8, 2013**

Introduction

Through the Regional Periodic Reviews, the Bureau of Land Management (BLM), the U.S. Forest Service (FS), and the U.S. Department of Energy (the Agencies) will periodically review the section 368 corridors on a regional basis to assess the need for corridor revisions, deletions, or additions. The BLM and the FS will also concurrently review their Interagency Operating Procedures (IOPs) to identify any necessary or appropriate revisions, deletions, or additions. The Agencies have executed a Memorandum of Understanding (MOU) describing the process for conducting Regional Periodic Reviews. This Work Plan is part of the MOU and establishes the process for conducting Regional Periodic Reviews. All work described in this plan is contingent upon availability of appropriated funds.

Regional Periodic Review Objectives

- 1. Establish the geographic scope of the regions for periodic review.** The Agencies will establish the geographic scope of the regions for purposes of periodic review by considering at a minimum the following:
  - The following language from the settlement agreement in *Wilderness Society v. United States Department of Interior*, No. 3:09-cv-03048-JW (N.D. Cal.) (Settlement) –

The Agencies shall review the following areas to ensure that the general principles listed here were considered in siting the current corridors, especially with regard to efficient use of the landscape: (i) Northeastern California and Northwestern Nevada, (ii) Southern California, Southeastern Nevada, and Western Utah, (iii) Southern Wyoming, Northeastern Utah, and Northwestern Colorado;

- Locations of Corridors of Concern;
- Rapid Ecoregional Assessments;
- Availability and Regionalization of Existing Data (e.g. the Western Electricity Coordinating Council Study Plan);
- Land Use Plan / Forest Plan planning areas;
- The entirety of each section 368 corridor, without bifurcation; and
- Overlap among the regions, as appropriate.

**2. Prioritize the regions.** The Agencies will prioritize the regions for periodic review. When prioritizing regions, the Agencies will consider:

- Corridors of Concern;
- Section 368 corridors with environmental or technical concerns identified during an environmental review or land use planning process;
- Ongoing or planned transmission lines or pipelines of national or regional significance that are located or may be located in section 368 corridors;
- Ongoing or planned energy development projects that may require use of section 368 corridors; and
- The availability and quality of existing data.

Based on this information, the Agencies will prioritize the regions through the following process:

- Assess how the foregoing five criteria apply to regions;
- Recommend the order of priority for regional periodic reviews; and
- Approve the order of priority for regional periodic reviews. The Agencies may revise the priority as appropriate.

**3. Provide for participation by stakeholders.** During the Regional Periodic Reviews and before recommendations are finalized, the Agencies will provide information to and solicit comment from the public, state and local governments, federal agencies, tribes, and other interested persons through an active exchange of information and opinion. The Agencies will facilitate this exchange by a variety of means which may include the following:

- Publish an RFI in the *Federal Register* or an alternative public outreach method for requesting public comments;
- Consult with agencies on the RRTT;
- Consult with other federal agencies;
- Utilize existing forums (e.g. the Western Electricity Coordinating Council, Western Governors Association, Resource Advisory Councils, the Tribal Energy Group);
- Conduct in-person meeting(s);
- Webinars; and
- Government-to-government tribal consultation – on a local or regional basis.

**4. Identify new relevant, existing, publicly available information.** In general, in conducting regional periodic reviews (including review of the IOPs), the Agencies will consider significant regional energy development and corridor and transmission plans and studies, supplemented by select project-specific studies completed after January 2009 or those which are substantially underway.

- See section V. subsection B. of the MOU for the initial list of new relevant, existing, publicly available information.
- The Agencies will solicit input for identification of new relevant, existing, publicly available information in the following ways:
  - Consult with member agencies of the Rapid Response Team for Transmission (RRTT) (for more information about the RRTT visit [www.whitehouse.gov/administration/eop/ceq/initiatives](http://www.whitehouse.gov/administration/eop/ceq/initiatives)) ;
  - Consult agencies involved in pipeline permitting and planning;
  - Utilize ongoing stakeholder forums; and
  - Issue a Request for Information (RFI) in the *Federal Register* or utilize an alternative public outreach method to request public comments.

**5. Review the Corridor Study to assess the need for updates.** If the Agencies determine that the Corridor Study needs to be updated to inform regional periodic reviews, the studies may be conducted concurrently. The methodology for updates to the Corridor Study is identified in the Corridor Study Work Plan.

**6. Synthesize new relevant, existing, publicly available information.** Since the periodic reviews will be conducted regionally, the Agencies may synthesize new and initial relevant, existing, publicly available information specific to each region when they conduct regional periodic reviews (including for review of the IOPs). The synthesis will result in a Report(s) to be considered in the Regional Periodic Reviews. In addition to the initial list and information compiled from the process referenced in number 3, the synthesis will also include consideration of the Corridor Study.

**7. Conduct Regional Periodic Reviews.** The Agencies will consider the following information as part of conducting Regional Periodic Reviews:

- The Report(s) synthesizing new and initial relevant, existing, publicly available information;
- Reevaluation of the Corridors of Concern;
- Stakeholder feedback received during Regional Periodic Reviews and before recommendations are finalized;
- Applicable laws, regulations, policies, standards, and other requirements (e.g., Section 503 of the Federal Land Policy and Management Act, Section 368 of the Energy Policy Act, 43 CFR §2800 and 2880, North American Electric Reliability Corporation standards, Western Electricity Coordinating Council standards, and Federal Energy Regulatory Commission Orders);
- Portions of section 368 corridors with constraints and/or that provide opportunities (e.g., resource constraints beyond those identified by the Settlement Plaintiffs as corridors of concern, technical obstacles such as pinch points due to natural or geographic issues); and
- Considerations identified in Section C of the MOU, including the four general siting principles identified in the Settlement, and the requirements set forth in subsection (a) of section 1 of the Presidential Memorandum on “Transforming our Nation’s Electric Grid Through Improved Siting, Permitting, and Review.

**8. Conduct review of the IOPs.** The Agencies will review the efficiency and effectiveness of the IOPs based on pertinent new data and will actively solicit suggestions from stakeholders for changes to the IOPs. The Agencies will consider the following information when reviewing the IOPs:

- Information collected during the Corridor Study that is relevant to assessment of the IOPs;
- The Report(s) synthesizing the new and initial relevant, existing, publicly available information;
- New IOPs submitted for consideration by the Plaintiffs that are parties to the Settlement;
- Responses to the RFI or alternative public outreach method utilized to request public comment; and
- Stakeholder feedback received during the Regional Periodic Reviews and before recommendations are finalized.

**9. Formulate recommendation(s) for additions, deletions, and revisions to section 368 corridors and IOPs.**

- Note that for section 368 corridor recommendations, the Regional Periodic Review process is anticipated to identify pinch points, conflict areas, and where new or expanded corridors may be needed. Specific locational siting of recommended new corridors or recommended modifications to corridors will be identified and considered during the BLM's and FS's planning process.

**10. Consideration of recommendations that result from the Regional Periodic Reviews.**

- Section 368 corridors:
  - Recommendations for section 368 corridors will be considered per the Settlement and MOU.
  - See Data Set from Appendix I of the West-wide Energy Corridor Final Environmental Impact Statement (including any updates made as part of the Corridor Study) when undertaking a land use planning process involving recommendations for additions, deletions, or revisions to section 368 corridors.
- IOPs:
  - The Agencies will complete a guidebook that outlines best practices (including the IOPs).
  - Recommendations that result from review of the IOPs will be considered by the Agencies for inclusion during the next round of revisions to the guidebook.

Schedule

Schedule is contingent upon availability of appropriated funds.

<b>Milestone</b>	<b>Target Timeline</b>
<b>Establish geographic scope of regions for Periodic Review</b>	
<b>Prioritize regions for Periodic Review</b>	
Review Corridor Study and assess whether updates are needed	
<b>Request public comment and information, through release of a Request for Information or other public outreach method</b>	
Comment period ends	30 days after comment period begins
Compile and analyze comments that will inform the Regional Periodic Reviews, including the review of the IOPs	
<b>Initiate Regional Periodic Reviews, including review of IOPs</b>	
Complete draft <i>Report(s) synthesizing new and initial relevant, publicly available information</i>	6 months
Circulate the draft <i>Report</i> among the Agencies	15 days
Address Agency Comments	15 days (may be reduced, depending on number and complexity of comments)
Circulate the draft report for other agency and stakeholder review	30 days
Address other agency, public and stakeholder comments & finalize <i>Report(s)</i>	15 days (may be reduced, depending on number and complexity of comments)
<b>Review corridors &amp; IOPs (steps 6-7 above)</b>	60 days
Draft Recommendations for additions, deletions, and/or revisions to section 368 corridors, if any.	60 days after finalizing the <i>Report(s) Synthesizing New Relevant Existing Publicly Available Information</i>
Provide for other agency, public and stakeholder review of draft Recommendations	30 days
Address other agency, public, and stakeholder comments	15 days
<b>Finalize Recommendations</b>	<b>12 months following formal initiation of Regional Periodic Review</b>

The Agencies may utilize contractors to assist with various tasks, including the work conducted as part of the section 368 regional periodic review, document preparation, website and document hosting, and external outreach.

MOU

APPENDIX B

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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE WILDERNESS SOCIETY, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR, *et al.*,

Defendants.

No. 3:09-cv-03048 JW

NOTICE OF MOTION AND JOINT MOTION  
TO DISMISS CASE PURSUANT TO FED. R.  
CIV. P. 41(a)(2)

Date: July 9, 2012

Time: 9:00 a.m.

Courtroom 9, 19th Floor

Hon. James Ware

**NOTICE OF MOTION**

Plaintiffs The Wilderness Society, BARK, Center for Biological Diversity, Defenders of Wildlife, Great Old Broads for Wilderness, Klamath-Siskiyou Wildlands Center, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Oregon Natural Desert Association, Sierra Club, Southern Utah Wilderness Alliance, Western Resource Advocates, Western Watersheds Project, and County of San Miguel, Colorado (collectively “Plaintiffs”) and Federal Defendants U.S. Department of Energy (“DOE”), U.S. Department of the Interior (“DOI”), U.S. Bureau of Land Management (“BLM”), U.S. Department of Agriculture (“USDA”), and U.S. Forest Service (“USFS”)<sup>1</sup> hereby serve notice that on July 9, 2012, at 9:00 a.m., they shall bring on for hearing before the Hon. James Ware, in Courtroom 9 a joint motion for dismissal of this action pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure in accordance with Paragraph III.B and subject to Paragraphs III.B and F of the Settlement Agreement attached hereto as Attachment A.

Intervenor-Defendants American Gas Association, American Public Power Association, Chamber of Commerce of the United States of America, Edison Electric Institute, National Association of Manufacturers, and National Rural Electric Cooperative Association have indicated that they likely do not oppose this motion, but will provide their response separately. A courtesy copy of this motion was provided to the Intervenor-Defendants on June 27, 2012.

**MEMORANDUM OF POINTS AND AUTHORITIES****I. ISSUE TO BE DECIDED**

Whether this action should be dismissed with prejudice in accordance with Paragraph III.B and subject to Paragraphs III.B and F of the Settlement Agreement attached hereto as Attachment A.

**II. DISCUSSION****A. Factual Overview**

Section 368 of the Energy Policy Act of 2005 (“EPAAct”), 42 U.S.C. § 15926, directed the

<sup>1</sup> The complaint also names in their official capacities Steven Chu, Secretary of Energy; Ken Salazar, Secretary of Interior; Tom Vilsack, Secretary of Agriculture; Tom Tidwell, Chief of the USFS (an agency within USDA); and Mike Pool, Acting Director of BLM (an agency within DOI).

Secretaries of the Interior, Agriculture, Commerce, Defense, and Energy to “(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven western States . . . (2) perform any environmental reviews that may be required . . . and (3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.” To carry out this direction, BLM, DOE, and the USFS prepared a programmatic environmental impact statement (“PEIS”) to support the designation of energy corridors across Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. On September 28, 2005, the Agencies published in the Federal Register a Notice of Intent to prepare the PEIS, amend relevant agency land use plans, and conduct public scoping meetings. The Agencies published a Notice of Availability of the draft PEIS in the Federal Register on November 16, 2007, inviting the public to comment on the draft PEIS until February 14, 2008. The final PEIS was made available in November 2008.

On January 14, 2009, DOI approved amendments to 92 BLM land management plans to designate energy corridors on the public lands governed by these plans. The designation includes approximately 5,000 miles of corridors. On the same day, the USFS amended 38 land use plans, designating 957 miles of energy corridors on public lands it administers.

#### B. Procedural History

Plaintiffs filed this action on July 7, 2009, challenging the PEIS and associated energy corridor designations. Plaintiffs bring claims under EPLA against all the Agencies, challenging their compliance with that statute. Plaintiffs also bring claims under the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321–4370h, against DOI, BLM, USDA, and USFS, alleging deficiencies in the PEIS prepared for the corridor designations. Plaintiffs further challenge the Records of Decisions (“RODs”) issued by DOI and BLM to incorporate the relevant corridor designations into the Resource Management Plans (“RMPs”) governing management under the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 1701–1787, of the affected units of BLM-administered lands. Finally, Plaintiffs challenge compliance with the requirements of section 7 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1536, alleging that DOI, BLM, USDA, and USFS failed to ensure that the corridor

designations would not jeopardize the existence, or adversely modify the critical habitat, of species listed under that Act.

On September 28, 2009, the Court granted the parties' motion to stay proceedings to accommodate ongoing settlement discussions. That stay has remained in place and has allowed the parties to negotiate a satisfactory settlement. On March 9, 2011, the court granted the motion to intervene of Intervenor-Defendants.

C. Description of Settlement

The proposed Settlement Agreement has four principal components: an interagency Memorandum of Understanding ("MOU") addressing periodic corridor reviews; agency guidance; training; and a corridor study.<sup>2</sup> The MOU, described in Section II.A.1 of the Settlement Agreement, will govern the Agencies' future review of corridors identified in the PEIS to address environmental concerns. That review will take account of siting principles identified in the Agreement, as well as the need for the periodic review and updating of appropriate mitigation measures. The siting principles are consistent with EPLA, FLPMA, and regulations implementing FLPMA. Revision of any PEIS corridors would occur (1) during the normal course of the land use planning process, (2) during environmental review of a particular site-specific project that occasions reconsideration of a particular corridor, or (3) during land use plan revisions proposed specifically to address potential corridor changes.

The agency guidance, described in Section II.A.2 of the Agreement, will embody principles enunciated in the Agreement and will address the need for site-specific NEPA analysis for individual projects.

Finally, the Settlement Agreement will provide for updating the BLM's and the USFS's training materials to incorporate the principles set forth in the Agreement, as well as a corridor study to assess whether the PEIS corridors are achieving their purposes to promote efficient and environmentally

<sup>2</sup> In addition, BLM will delete portions of a superseded agency guidance document concerning the siting of electric transmission corridors, IM 2010-169, and will issue a new guidance memorandum consistent with the Settlement Agreement. See Section II.B.5 of the Agreement. The Plaintiffs and Federal Defendants have also agreed on a settlement of Plaintiffs' claim for attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412.

sensitive corridor-siting decisions. *See* Section II.A.3 & 4 of the Agreement.

The Agreement contains Dispute Resolution provisions, Section III.B & F, allowing for the resolution of disagreements concerning compliance with the terms of the agreement.

In return for the Agencies' undertakings, the Plaintiffs agree to dismiss their action with prejudice and will release the claims raised therein. Sections III.A & B. In accordance with that agreement, the Plaintiffs and Federal Defendants jointly move at this time for dismissal of the complaint, with prejudice, subject to the provisions of Paragraphs III.B and F of the Agreement.

Because the Intervenors will be filing a separate response to this motion, dismissal by stipulation pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) is not available.

### III. CONCLUSION

The attached settlement represents a fair and reasonable resolution of this litigation and accommodates in a compromise document the competing concerns of the Plaintiffs and Federal Defendants as reflected in the PEIS and RODs and in Plaintiffs' challenge thereto. *See Ahern v. Central Pac. Freight Lines*, 846 F.2d 47, 48 (9th Cir. 1988) (Ninth Circuit committed to rule favoring settlement of litigation); *California Dep't of Toxic Subs. Contr. v. Waymire Drum Co., Inc.*, No. C-98-03834 PJH, 1999 U.S. Dist. LEXIS 3814, \*5 (N.D. Cal. Mar. 19, 1999) (same).

Accordingly, the Plaintiffs and Federal Defendants respectfully request that the Court grant this motion and dismiss this action with prejudice, in accordance with and subject to Paragraphs III.B and F of the attached Settlement Agreement.

Respectfully submitted,

FOR THE PLAINTIFFS

DATED: July 3, 2012

*/s/James S. Angell*  
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FOR THE FEDERAL DEFENDANTS

DATED: July 3, 2012

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ATTORNEY ATTESTATION OF CONCURRENCE

I hereby attest that I have obtained concurrence in this filing and for affixing the signature of Plaintiffs' counsel, indicated by a "conformed" signature ("/s/"), to this e-filed document, in accordance with General Order 45.X.

Dated: July 3, 2012

/s/David B. Glazer  
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CERTIFICATE OF SERVICE

I, David B. Glazer, hereby certify that I have caused the foregoing to be served upon counsel of record through the Court's electronic service system.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 3, 2012

/s/ David B. Glazer  
David B. Glazer

**SETTLEMENT AGREEMENT**

Plaintiffs The Wilderness Society, BARK, Center for Biological Diversity, Defenders of Wildlife, Great Old Broads for Wilderness, Klamath-Siskiyou Wildlands Center, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Oregon Natural Desert Association, Sierra Club, Southern Utah Wilderness Alliance, Western Resource Advocates, Western Watersheds Project, and County of San Miguel, Colorado (“Plaintiffs”), and Federal Defendants United States Department of the Interior (“DOI”), Kenneth L. Salazar, Secretary of the Interior; United States Bureau of Land Management (“BLM”); Robert Abbey, Director, BLM; United States Department of Agriculture; Tom Vilsack, Secretary of Agriculture; United States Forest Service (“FS”); Tom Tidwell, Chief of the Forest Service; United States Department of Energy (“DOE”); and Steven Chu, Secretary of Energy (“Defendants”) (collectively the “Parties”), by and through their undersigned counsel, hereby agree and stipulate as follows:

WHEREAS, on July 7, 2009, Plaintiffs filed the Complaint in *The Wilderness Society, et al. v. United States Department of the Interior, et al.*, No. 3:09-cv-03048-JW (N.D. Cal.), which Plaintiffs amended on September 14, 2009;

WHEREAS Plaintiffs’ Amended Complaint alleges violations of the Energy Policy Act of 2005, P.L. 109-58 (“EPAAct”), the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (“NEPA”), the Federal Land Policy and Management Act, 43 U.S.C. § 1763 *et seq.* (“FLPMA”), the Endangered Species Act, 16 U.S.C. § 1531 *et seq.* (“ESA”), and the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.* (“APA”);

WHEREAS Section 368 of the EPAAct, 42 U.S.C. § 15926(a), directs the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior, in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of government as appropriate, affected utility industries, and other interested persons, to designate corridors for oil, gas, and hydrogen

pipelines and electricity transmission and distribution facilities on federal land, beginning with 11 western States (“section 368 Corridors”);

WHEREAS Section 368 of the EPA Act further directs the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to “perform any environmental reviews required to complete the designation” of the corridors and to formalize the designations by “incorporat[ing] the designated corridors into the relevant agency land use and resource management plans or equivalent plans,” 42 U.S.C. §§ 15926(a)(2) and 3;

WHEREAS, on November 20, 2008, Defendants issued a Final Programmatic Environmental Impact Statement for the section 368 Corridors, 73 Fed. Reg. 72,521 (Nov. 28, 2008);

WHEREAS, on January 14, 2009, the Deputy Assistant Secretary, Land and Minerals Management, signed a Record of Decision, amending 92 BLM land use plans to incorporate designation of the Section 368 Corridors;

WHEREAS, on January 14, 2009, the Undersecretary of the Department of Agriculture signed a Record of Decision amending 38 National Forest Land Management plans to incorporate designation of the Section 368 Corridors;

WHEREAS the Parties wish to implement this Settlement Agreement to resolve Plaintiffs’ Amended Complaint in *The Wilderness Society, et al. v. United States Department of the Interior, et al.*, No. 3:09-cv-03048-JW (N.D. Cal.), and thereby avoid protracted and costly litigation and preserve judicial resources;

WHEREAS the Parties have agreed to a settlement of these matters without any adjudication or admission of fact or law by any party; and

WHEREAS the Parties believe that this Agreement is in the public interest; the Parties now agree as follows:

## I. SCOPE OF AGREEMENT

- A. This Agreement shall constitute a complete and final settlement of Plaintiffs' Amended Complaint in *The Wilderness Society, et al. v. United States Department of Interior, et al.*, No. 3:09-cv-03048-JW (N.D. Cal.).
- B. This Agreement in no way affects the rights of the United States as against any person not a party hereto.
- C. Nothing in this Agreement shall constitute an admission of fact or law by any party. This Agreement shall not be used or admitted in any proceeding against a party over the objection of that party.
- D. This Settlement Agreement constitutes the final, complete, and exclusive agreement and understanding between the Parties and supersedes all prior agreements and understandings, whether oral or written, concerning the subject matter hereof. No other document, nor any representation, inducement, agreement, understanding, or promise, constitutes any part of this Settlement Agreement or the settlement it represents, nor shall it be used in construing this Settlement Agreement. It is further expressly understood and agreed that this Agreement was jointly drafted by the Parties. Accordingly, the Parties agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms or interpretation of this Agreement.
- E. This Agreement shall be governed by and construed under federal law.
- F. Nothing in this Settlement Agreement shall constitute, or be construed to constitute, a waiver of sovereign immunity by the United States. Nothing in the terms of this Agreement shall be construed to limit or modify the discretion accorded Defendants by the APA, the EPA Act, NEPA, FLPMA, the ESA, or by general principles of administrative law.
- G. The Parties agree that Defendants' obligations under this Settlement Agreement are contingent upon the availability of appropriated funds and that nothing contained in this Settlement Agreement shall be construed as a commitment or requirement that Defendants

obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. §1341, or other applicable law.

## II. SPECIFIC PROVISIONS

A. This Agreement consists of the following five provisions: an interagency Memorandum of Understanding (“MOU”) addressing periodic corridor reviews; agency guidance; training; corridor study; and IM 2010-169. The objectives of these settlement provisions are to ensure that future revision, deletion, or addition to the system of corridors designated pursuant to section 368 of EPA Act consider the following general principles: location of corridors in favorable landscapes, facilitation of renewable energy projects where feasible, avoidance of environmentally sensitive areas to the maximum extent practicable, diminution of the proliferation of dispersed rights-of-way (“ROWs”) crossing the landscape, and improvement of the long-term benefits of reliable and safe energy transmission. In addition, revisions, deletions, or additions to section 368 corridors are to be made through an open and transparent process incorporating consultation and robust opportunities for engagement by tribes, states, local governments, and other interested parties.

1. Interagency MOU: The BLM, FS, and DOE (the “Agencies”) will periodically review the section 368 corridors, as provided in Section 1.a.-c. below, on a regional basis to assess the need for corridor revisions, deletions, or additions. The agencies will establish an MOU describing the interagency process for conducting these reviews, the types of information and data to be considered, and the process for incorporating resulting recommendations in BLM and FS land use plans. DOE’s role will be limited to providing technical assistance in the areas of transmission adequacy and electric power system operation, as needed. As part of the periodic review process, the BLM and the FS will re-evaluate those corridors identified by plaintiffs as having specific environmental issues, attached as Exhibit A.<sup>1</sup> The BLM and the FS

<sup>1</sup> Corridors of Concern: The corridors identified by plaintiffs are referred to here as “corridors of concern.”

will also concurrently review their existing Interagency Operating Procedures (“IOPs”) to identify any revisions, deletions, and additions necessary.

These items will comprise the elements of an interagency MOU to establish a process for periodic review of section 368 corridors and the IOPs.

**a. Interagency Workgroup:**

- The agencies will establish an interagency workgroup composed of national office and field personnel, as appropriate.
- The workgroup will identify new relevant information (below at b.) that is pertinent to the consideration of section 368 corridors.
- The workgroup shall examine this new relevant information, review the corridors based on this information, and develop recommendations for any revisions, deletions, or additions to the section 368 corridors.
- The BLM and the FS shall ensure that recommendations are conveyed to appropriate agency managers and staff and that these recommendations are fully considered, as appropriate under applicable law, regulations, and agency policy and guidance.
- The BLM and the FS shall ensure that the siting principles (below at c.) are fully considered and public, tribal, and governmental involvement commitments (below at f.) are fully met.

**b. Review materials:** The new relevant information that the workgroup will review includes, but is not limited to:

- Results of the joint studies of electric transmission needs and renewable energy potential currently being conducted by the Western Electricity Coordinating Council (“WECC”) and the Western Governors’ Association (“WGA”), and funded by the DOE;
- Results of BLM’s eco-regional assessments that characterize the ecological values across regional landscapes;

- Agency Corridor Study of current use of section 368 corridors and IOPs (below at Section 4.);
- Other on-going resource studies, such as the WGA wildlife corridor study, the BLM's National Sage-Grouse Habitat Conservation Strategy, and the State of Wyoming's sage grouse strategy; and
- Current studies and other factors, such as states' renewable portfolio standards, that address potential demand, source, and load with particular regard to renewable energy.

**c. Corridor Siting Principles:** The Agencies shall review the following areas to ensure that the general principles listed here were considered in siting the current corridors, especially with regard to efficient use of the landscape: (i) northeastern California and northwestern Nevada, (ii) southern California, southeastern Nevada, and western Utah, and (iii) southern Wyoming, northeastern Utah, and northwestern Colorado. The BLM and the FS will make future recommendations for revisions, deletions, and additions to the section 368 corridor network consistent with applicable law, regulations, agency policy and guidance, and will also consider the following general principles in future siting recommendations:

- Corridors are thoughtfully sited to provide maximum utility and minimum impact to the environment;
- Corridors promote efficient use of the landscape for necessary development;
- Appropriate and acceptable uses are defined for specific corridors; and
- Corridors provide connectivity to renewable energy generation to the maximum extent possible while also considering other sources of generation, in order to balance the renewable sources and to ensure the safety and reliability of electricity transmission.

**d. Interagency Operating Procedures:** The BLM and the FS shall review the IOPs adopted in their respective Records of Decision designating energy corridors (January 2009). The BLM and the FS shall review the current utility of the IOPs and pertinent new data and shall actively solicit suggestions from stakeholders for changes to the IOPs. The BLM and FS shall consider new IOPs submitted by Plaintiffs for specific resources including, but not limited to, wildlife, wilderness characteristics, and special areas. The BLM and the FS shall develop recommendations for updating the IOPs concurrently with their periodic review of section 368 corridors.

**e. Implementation of Workgroup Recommendations:** Workgroup recommendations for section 368 corridor revisions, deletions, or additions will be considered for implementation through the BLM and the FS land use planning and environmental review processes. There are three circumstances when such consideration may occur:

- During the normal course of land use plan(s) revisions;
- During an amendment to a land use plan(s) caused by a specific project proposal that does not conform to a land use plan, or when issues within a designated section 368 corridor necessitate review of an alternative corridor path; or
- During an amendment to individual land use plans specifically to address corridor changes.

BLM and FS will adopt recommended changes to the IOPs (additions, revisions, deletions) through internal guidance or manuals or handbooks.

**f. Stakeholder Participation:** There will be two significant opportunities for stakeholder participation:

- The workgroup will provide information to and solicit comment from the public regarding its periodic review of corridors and consequent

recommendations, and also engage in consultation with other federal agencies, tribes, states, local governments, and other interested persons through an active exchange of information and opinion during review and before the workgroup makes a recommendation(s). Workgroup members will use this same process in their periodic review of BLM and FS IOPs and recommendations therefor. The MOU will outline appropriate means for conducting outreach, which may include listening sessions/information sharing, web postings/comments, or other appropriate means.

- Any land use plan amendments that consider workgroup recommendations will require evaluation under NEPA in accordance with applicable law, regulations, and agency policy and guidance. The agencies agree to a robust public involvement process and will ensure that:
  - The NEPA process follows agency procedures, including all applicable opportunities for stakeholder, tribal, state, and local government participation;
  - All potentially interested parties are provided opportunities to participate in scoping and the environmental review process as required by agency procedures;
  - Opportunities for full involvement of minority populations, low-income communities, and tribes are promoted and provided by the agencies.
- g. Agency Responsibilities:**
  - BLM, FS, and DOE will each identify an official responsible for implementation of this settlement agreement.
  - The DOE shall provide technical review, advice, and assistance regarding:
    - The need for proposed energy transport facilities;
    - The practical functionality of section 368 corridors;

## MOU

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- The impact on reliability and electric system operation for facilities located outside section 368 corridors; and
- Other technical factors relevant to siting energy transport facilities.
- The BLM and the FS will make recommendations for revisions, deletions, and additions to section 368 corridors and ensure that these recommendations are considered, consistent with applicable law, regulations, agency policy and guidance, and this Agreement.

**h. Working Group Duration:** The interagency workgroup will convene upon signing the MOU and remain in effect until any of its participating agencies determines that the workgroup no longer serves a purpose, but no less than two years following the signing of the MOU. The workgroup shall provide a brief annual report to each agency's MOU signatory, assessing the effectiveness of the workgroup, progress on the settlement agreement commitments, and the current utility of the group. The report will be made available to the public along with a summary of any revisions, deletions, or additions to the section 368 corridors completed at that time.

2. Agency Guidance: The BLM and the FS agree to issue internal guidance to managers and staff regarding use and development of the section 368 corridors. As part of this guidance, the agencies will provide direction on using corridors of concern and will identify known conflicts within these corridors. The BLM and the FS will also issue direction, consistent with applicable NEPA regulations, on how to use the Final Programmatic Environmental Impact Statement ("FPEIS"), *Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0386)*, when preparing site-specific NEPA documents.

The BLM and the FS shall develop coordinated guidance for agency managers regarding use of section 368 corridors, and the guidance shall include the following elements:

- a. Corridor Use:** BLM and FS managers will: encourage project proponents to locate projects within designated corridors or adjacent to existing rights-of-

way; notify project proponents of any section 368 corridor segments that are corridors of concern; and consider alternative locations if a proposed project would be located within a section 368 corridor of concern segment. The agencies recognize that siting projects within corridors will require site-specific environmental analysis, as well as review of land use plans, as required by applicable law, regulations, and agency policy and guidance.

**b. Corridors of Concern:** BLM and FS managers will be notified of those corridors of concern set forth by the plaintiffs at Exhibit A and the concerns identified there. Managers and the public will be notified that siting projects within these corridors will likely lead to heightened public interest and concern and may:

- Be challenged;
- Involve significant environmental impacts;
- Involve substantially increased or extensive mitigation measures such as off-site mitigation to compensate for impacts to sensitive resources;
- Include preparation of an environmental impact statement;
- Include consideration of alternatives outside the corridor and consideration of an alternative that denies the requested use; and
- Include amendment of the applicable land use plan to modify or delete the corridor of concern and designate an alternative corridor.

**c. Use of the FPEIS:**

- BLM and FS will be reminded that site-specific projects in a section 368 corridor will require individual NEPA analysis. The scope of that NEPA review will include analysis of whether the use of that corridor identified in the FPEIS is appropriate in the context of the site-specific project and/or whether additional analysis should be undertaken to modify or delete the corridor and designate an alternative corridor.

- BLM and FS will encourage “incorporation by reference” of data and studies in the FPEIS and other relevant documents, as appropriate for individual projects and consistent with NEPA regulations, in order to reduce bulky and redundant studies.
- BLM and FS managers will be directed that tiering to the FPEIS is not a substitute for site-specific analyses of any project proposed within a section 368 corridor and that environmental reviews of projects within section 368 corridors are subject to this settlement agreement and the NEPA regulations at 40 C.F.R. § 1502.20 and 40 C.F.R. § 1508.28.

**d. Implementation of IOPs:** Guidance will include:

- Procedures for periodic review and update of IOPs, based on the principles of adaptive management and including stakeholder engagement;
- Use of IOPs outside designated corridors on Federal lands; and
- Adoption of IOPs considered and approved by the agencies, particularly with reference to wilderness characteristics, wildlife, and special areas.

**e. Corridor Changes:** Guidance will remind managers that revisions, deletions, and additions to section 368 corridors must (at a minimum) meet the requirements specified for these corridors in section 368 of the EPO Act and must consider the siting principles identified in section 1.c. above.

3. Training: The BLM and the FS agree to incorporate environmental concerns into agency training regarding the processing of applications for pipeline and electricity transmission ROWs, and to invite participation from representatives of environmental groups, tribes, and industry in such courses. The BLM and the FS agree to review existing training materials and incorporate an increased emphasis on environmental considerations when siting and permitting pipelines and transmission lines. Specifically these courses are the BLM’s Electric Systems Short Course offered once annually at the BLM National Training Center in Phoenix, Arizona; the BLM’s Pipelines Systems Course offered once annually in Durango, Colorado; and the

National Lands Training for Line Officer and Program Managers, which is jointly offered by the BLM and FS once annually in various locations.

4. Corridor Study: The BLM and the FS agree to study section 368 corridors in order to assess their overall usefulness with regard to various factors, including their effectiveness in reducing the proliferation of dispersed ROWs crossing the landscape of federal lands.

The agencies will study the section 368 corridors to assess their efficient and effective use and record practical lessons learned. The interagency workgroup will develop a corridor monitoring plan to support this study. The study is anticipated to involve an identification of the types and numbers of projects within the corridors, as well as the widths and lengths of existing ROWs within the corridors. The study would also identify where corridors are being over- or underutilized and would evaluate use of the IOPs in order to recommend potential new or modified IOPs. The study will inform the periodic review of section 368 corridors and IOPs (above at 1.b.) and be made public upon completion.

5. IM 2010-169: BLM agrees to delete a section, entitled “Environmental Review and Energy Corridors,” from Instruction Memorandum No. 2010-169, dated July 28, 2010, upon issuance of a new BLM instruction memorandum setting forth guidance for the siting and construction of electric transmission infrastructure in section 368 corridors. BLM Instruction Memorandum No. 2010-169, dated July 28, 2010, is entitled “Implementation Guidance for the Interagency Transmission Memorandum of Understanding.” The memorandum of understanding referred to was entered into by nine federal agencies in October 2009 to expedite the siting and construction of qualified electric transmission infrastructure in the United States. IM 2010-169 contains a three-paragraph section entitled “Environmental Review and Energy Corridors,” which addresses section 368 corridors and directs BLM managers to tier to the environmental analysis in the FPEIS to the extent the FPEIS addresses anticipated issues and concerns associated with individual qualifying projects.

**B. Time Line for Implementation of Agreement**

The agencies agree to make every effort to meet the timelines identified below. Should the agencies be unable to meet these internal timelines for any reason, the BLM Assistant Director for Minerals and Realty Management will notify the plaintiffs and explain the circumstances causing the delay.

- Upon the Effective Date (see Section III.I) of the settlement agreement, the provisions of section II.A.2.c. shall apply.
- Upon the Effective Date of the settlement agreement, the agencies will complete a MOU within twelve months. Progress on completion of the MOU will be reported quarterly to the plaintiffs. The final MOU will be made available to the public. Upon signing the MOU, the agencies will commence a periodic review of section 368 corridors, with recommendations due twelve months thereafter.
- Upon the Effective Date of the settlement agreement, the BLM and the FS will initiate a review of current guidance. New guidance will be developed concurrently with the MOU and will be completed within twelve months. Progress on completion of guidance will be reported quarterly to the plaintiffs. New guidance will be made available to the public.
- Upon the Effective Date of the settlement agreement, the BLM and the FS will initiate a review of current training materials, instructors, and outreach efforts. Within three months the BLM and the FS will identify representatives to be invited to participate in future training. Within twelve months training courses will be revised. Progress on completion of training revisions will be reported quarterly to the plaintiffs.
- Upon the Effective Date of the settlement agreement, the agencies will initiate development of a plan to study use of the section 368 corridors. The agencies will complete the work plan within twelve months of the Effective Date of the settlement agreement. The study will be completed within twelve months of completion of the work plan. The workgroup will report progress on the study quarterly to the plaintiffs.

### III. EFFECT OF SETTLEMENT

- A. Subject to Defendants' compliance with the terms of Paragraphs II.A. and II.B. of this Agreement, Plaintiffs release all claims in *The Wilderness Society, et al. v. United States Department of the Interior, et al.*, No. 3:09-cv-03048-JW (N.D. Cal.).
- B. Subject to the provisions of paragraph F below, upon signing the settlement agreement, plaintiffs will stipulate to the dismissal with prejudice of their amended complaint in *The Wilderness Society, et al. v. Department of the Interior, et al.*, No. 03:09-cv-03048 JW (N.D. Cal.). However, the Court shall retain jurisdiction over this action for the limited purpose of resolving settlement implementation disputes pursuant to the provisions of Paragraph F, below, until each of the following events has occurred: (1) 24 months have elapsed following execution of the MOU in accordance with Section II.A.1, above; and (2) the following undertakings have been completed: (a) new guidance has been developed in accordance with Section II.A.2, above; (b) training materials have been revised in accordance with Section II.A.3, above; (c) the Corridor Study has been completed in accordance with Section II.A.4, above; and (d) IM 2010-169 is revised in accordance with Section II.A.5, above.
- C. The Federal Defendants, through the BLM and the FS, shall pay Plaintiffs the sum of \$30,000.00, in full settlement and satisfaction of all of Plaintiffs' claims for attorneys' fees, costs, and other expenses in the above-captioned case. Payment shall be accomplished by electronic fund transfer. Within 5 business days of the date this Settlement Agreement is filed, Plaintiffs shall submit (if not already submitted) the account information and other information necessary for the Federal Defendants to process payment. The BLM and the FS shall undertake the procedures for processing payment within 20 days after this Settlement Agreement is filed or Plaintiffs submit the required payment information, whichever is later.
1. Release: Plaintiffs will accept the sum of \$30,000.00 in full settlement and satisfaction of all of their claims for attorneys' fees, costs, and other expenses in this matter and release the Federal Defendants from any liability for attorneys' fees, costs, and other expenses incurred or claimed, or that could have been claimed, for work performed on this case, under the

Equal Access to Justice Act, 28 U.S.C. § 2412, or under any other federal or state statute or common law. Plaintiffs or their counsel shall submit confirmation of receipt of payment in the above amount to counsel for Federal Defendants, within 14 days of receipt of payment.

2. Payee: Plaintiffs represent that the proper entity to receive payment pursuant to this Settlement Agreement is Earthjustice (tax ID is 94-1730465). Payment shall be made to Earthjustice by Electronic Funds Transfer payable to:

Mechanics Bank  
725 Alfred Nobel Drive  
Hercules, California 94547  
Bank Routing #121102036  
ACCT # 040-882578

Plaintiffs and their attorneys agree that the Federal Defendants' responsibility in discharging the payment obligation provided in this Settlement Agreement consists only of making the payment to Earthjustice in the manner set forth herein.

D. Any term set forth in this Agreement (including deadlines and other terms) may be modified by written agreement of the Parties.

E. Except as expressly provided in this Agreement, neither of the Parties waives or relinquishes any legal rights, claims, or defenses it may have.

F. In the event of a disagreement among the Parties concerning the performance of any aspect of this Agreement, the dissatisfied party shall provide the other party with written notice of the dispute and a request for negotiations. The Parties shall meet and confer in order to attempt to resolve the dispute within 30 days of the date of the written notice, or such time thereafter as is mutually agreed. If the Parties are unable to resolve the dispute within 90 days after such meeting, then any Party may apply to the Court for resolution. In resolving such dispute, the Court's review shall be limited to determining: (1) whether the Federal Defendants have reasonably complied with the performance deadlines set forth in Section II.B; (2) whether the MOU required by Section II.A.1 contains the terms required by this Agreement; (3) whether the guidance issued in accordance with Section II.A.2 contains the terms required by this Agreement; (4) whether the training developed by the agencies addresses the issues identified in

Section II.A.3; (5) whether the study prepared by the agencies contains the terms set forth in Section II.A.4; and (6) whether IM 2010-169 has been revised in accordance with Section II.A.5. The Parties agree that any challenge to a final decision concerning amendments or revisions to land use plans, as well as to final decisions concerning revisions, deletions, or additions to Section 368 corridors, must take the form of a new civil action under the judicial review procedures of the Administrative Procedure Act, 5 U.S.C. §§ 701–706. The parties will not seek the remedy of contempt for any alleged violation of the settlement agreement.

G. Any notices required or provided for under this Agreement shall be in writing, shall be effective upon receipt, and shall be sent to the following:

For Plaintiffs:

BARK  
 Alex Brown, Executive Director  
 PO Box 12065  
 Portland, OR 97212  
 205 SE Grand, Suite 207  
 Portland, OR 97214  
 alex@bark-out.org  
 503-331-0374

Center for Biological Diversity  
 Amy R. Atwood  
 P.O. Box 11374  
 Portland, OR 97211-0374  
 Tel: (503) 283-5474  
 Fax: (503) 283-5528  
 Email: atwood@biologicaldiversity.org

Defenders of Wildlife  
 Erin Lieberman  
 1130 17th Street, NW  
 Washington, DC 20036-4604  
 202-772-3273  
 ELIEBERMAN@defenders.org

Great Old Broads for Wilderness  
 Veronica Egan  
 P.O. Box 2924  
 Durango, CO 81302  
 Phone: 970-385-9577  
 Fax: 970-385-8550  
 Ronnie@greatoldbroads.org

Klamath Siskiyou Wildlands Center  
 George Sexton, Conservation Director  
 PO Box 102  
 Ashland, OR 97520  
 (541) 488-5789  
 gs@kswild.org

National Parks Conservation Association  
 David Nimkin, Senior Director,  
 Southwest Region  
 307 West 200 South, Suite 5000  
 Salt Lake City, Utah 84101  
 801 /521-0785  
 801 / 359-2367 fax  
 dnmimkin@npca.org

National Trust For Historic Preservation  
 Betsy Merritt  
 1785 Massachusetts Ave, NW  
 Washington, DC 20036  
 T: 202-588-6026|Fax: 202-588-6272  
 betsy\_merritt@nthp.org

Natural Resources Defense Council  
 Johanna Wald  
 111 Sutter Street, 20th Floor  
 San Francisco, CA 94104  
 415-875-6100  
 jwald@nrdc.org

MOU

APPENDIX B

Oregon Natural Desert Association  
Peter "Mac" Lacy, Senior Attorney  
917 SW Oak Street, Suite 408  
Portland, OR 97205  
503-525-0193  
lacy@onda.org

San Miguel County  
Steven J. Zwick  
San Miguel County Attorney  
P.O. Box 791  
333 West Colorado Avenue, 3rd Floor  
Telluride, CO 81435  
stevez@sanmiguelcounty.org  
Tel.: 970-728-3879  
FAX: 970-728-3718

Sierra Club  
Ellen Medlin  
Associate Attorney  
Sierra Club Environmental Law Program  
85 2nd St., 2nd Floor  
San Francisco, CA 94105  
ellen.medlin@sierraclub.org  
415-977-5646

Southern Utah Wilderness Alliance  
PO Box 968  
Moab, UT 84532  
Phone: 435.259.5440  
FAX: 435.259.9151  
liz@suwa.org

For Defendants:

David B. Glazer  
Environment and Natural Resources Division  
U.S. Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, California 94015  
Tel.: 415-744-6477  
E-mail: david.glazer@usdoj.gov

Meredith L. Flax  
U.S. Department of Justice  
Environment and Natural Resources Division  
Wildlife and Marine Resources Section  
Ben Franklin Station, P.O. Box 7369  
Washington, D.C. 20044-7369  
Tel.: 202-305-0404  
E-mail: meredith.flax@usdoj.gov

Attn: Liz Thomas, Attorney

The Wilderness Society  
Nada Culver  
The Wilderness Society  
1660 Wynkoop Street, Suite 850  
Denver, CO 80202  
Nada\_culver@twsw.org  
(303) 650-5818

Western Resource Advocates  
Gary Graham  
Staff Attorney, Energy Transmission  
2260 Baseline Rd., Suite 200  
Boulder, CO 80302  
PH: 303-444-1188 ext. 244  
FX: 303-786-8054  
tom@westernresources.org

Western Watersheds Project  
Michael J. Connor, Ph.D  
Western Watersheds Project  
P.O. Box 2364  
Reseda, CA 91337-2364  
mjconnor@westernwatersheds.org  
(818) 345-0425

H. Upon written notice to the other party, either party may designate a successor contact person for any matter relating to this Agreement.

I. The undersigned representatives of each party certify that they are fully authorized by the parties they represent to bind the respective Parties to the terms of this Agreement. This Agreement shall become effective upon signature on behalf of all of the Parties set forth below and upon the Court's entry of an order of dismissal in accordance with Section III.B above (the "Effective Date"). This Agreement may be executed in any number of counterpart originals, each of which shall be deemed to constitute an original agreement, and all of which shall constitute one agreement. The execution of one counterpart by any party shall have the same force and effect as if that party has signed all other counterparts.

ON BEHALF OF ALL PLAINTIFFS

DATED: July 3, 2012

/s/James S. Angell

JAMES S. ANGELL  
(Admitted *pro hac vice*)  
Earthjustice  
1400 Glenarm Place, Suite 300  
Denver, CO 80202  
Tel: (303) 623-9466  
Fax: (303) 623-8083  
E-mail: jangell@earthjustice.org

GREGORY C. LOARIE  
(Cal. Bar No. 2151859)  
Earthjustice  
426 17th Street, 6th Floor  
Oakland, CA 94612  
Tel: (510) 550-6700  
Fax: (510) 550-6740  
E-mail: gloarie@earthjustice.org

*Counsel for Plaintiffs, The Wilderness Society, Bark; Center for Biological Diversity; Defenders of Wildlife; Great Old Broads for Wilderness; Klamath-Siskiyou Wildlands Center; National Parks Conservation Association; National Trust for Historic Preservation; Natural Resources Defense Council; Oregon Natural Desert Association; Sierra Club; Southern Utah Wilderness Alliance; Western Resource Advocates; Western Watersheds Project; County of San Miguel, CO*

MOU

APPENDIX B

AMY R. ATWOOD  
(Admitted *pro hac vice*)  
Center for Biological Diversity  
P.O. Box 11374  
Portland, OR 97211-0374  
Tel: (503) 283-5474  
Fax: (503) 283-5528  
E-mail: [atwood@biologicaldiversity.org](mailto:atwood@biologicaldiversity.org)

*Counsel for Plaintiffs, Center for Biological Diversity; The  
Wilderness Society; Klamath-Siskiyou Wildlands Center; and  
San Miguel County, Colorado*

FOR THE FEDERAL DEFENDANTS:

IGNACIA S. MORENO  
Assistant Attorney General

DATED: July 3, 2012

/s/ David B. Glazer  
DAVID B. GLAZER  
Natural Resources Section  
Environment and Natural Resources Div.  
United States Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, California 94105  
Telephone: (415) 744-6491  
Facsimile: (415) 744-6476  
e-mail: [david.glazer@usdoj.gov](mailto:david.glazer@usdoj.gov)

ATTORNEY ATTESTATION OF CONCURRENCE

I hereby attest that I have obtained concurrence in this filing and for affixing the signature of Plaintiffs' counsel, indicated by a "conformed" signature ("/s/"), to this e-filed document, in accordance with General Order 45.X.

Dated: July 3, 2012

*/s/David B. Glazer*  
DAVID B. GLAZER  
Natural Resources Section  
Environment and Natural Resources  
Division  
United States Department of Justice  
301 Howard Street, Suite 1050  
San Francisco, California 94105  
Telephone: (415) 744-6491  
Facsimile: (415) 744-6476  
E-mail: [david.glazer@usdoj.gov](mailto:david.glazer@usdoj.gov)

## MOU

## APPENDIX B

## Exhibit A

To

## Settlement Agreement,

The Wilderness Society et al. v. United States Department of the Interior et al.,  
3:09-cv-03048 JW (N.D. Ca.)

Per Section II.A.1. of the above-captioned Settlement Agreement, “corridors identified by plaintiffs as having specific environmental issues” are listed below, along with plaintiffs’ concerns over affected resources as identified by plaintiffs in the above-captioned lawsuit. Corridor numbers in boldface correspond to those set forth in Appendix A of the Programmatic Environmental Impact Statement, *Designation of Energy Corridors on Federal Land in the 11 Western States* (DOE/EIS-0386, November 2008) and in the Records of Decision issued by the Bureau of Land Management and U.S. Forest Service in January 2009.

## WASHINGTON

**102-105**: numerous “suitable” segments under Wild & Scenic Rivers Act, borders designated Wilderness, Northwest Forest Plan critical habitat and late-successional/adaptive management reserves, crosses Pacific Crest Trail, tracks America’s Byway within 1 mile, National Register of Historic Places property.

**244-245**: conflicts with Northwest Forest Plan, critical habitat, tracks America’s Byway.

## OREGON

**7-24**: 3 citizen-proposed wilderness areas, sage-grouse habitat, pygmy rabbit habitat, Steens Mountain Cooperative Management Area, and proposed Sheldon Mountain National Wildlife Refuge.

**230-248**: critical habitat, National Register of Historic Places property, Pacific Crest Trail, Clackamas Wild & Scenic River and other “eligible” segments under Wild & Scenic Rivers Act, conflicts with Northwest Forest Plan critical habitat and late-successional/adaptive management reserves.

**24-228** (also in Idaho): sage-grouse habitat, National Register of Historic Places property.

**4-247** – not close enough to QRA, old-growth forests, critical habitat, late-successional reserves, riparian reserves.

## IDAHO

**24-228** (also in Oregon): sage-grouse habitat, pygmy rabbit habitat.

**229-254** (also in Montana - 3 segments – regular, (N) and (S)): critical habitat, National Register of Historic Places properties, “suitable” segment under Wild & Scenic Rivers Act.

## WYOMING

Any in core areas are prohibited for transmission use by BLM guidance.

**78-255**: sage-grouse core area and habitat.

**79-216**: sage-grouse core area and habitat, National Register of Historic Places properties, National Historic Trail.

**121-221**: sage-grouse core area and habitat, National Historic Trail, BLM special management area.

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## MONTANA

**229-254** (also in Idaho - 3 segments – regular, (N) and (S)): critical habitat, National Register of Historic Places properties, “suitable” segment under Wild & Scenic Rivers Act, Continental Divide Trail, USFS Inventoried Roadless Area.

## CALIFORNIA

**18-23**: Areas of Critical Environmental Concern, Inventoried Roadless Areas, BLM Wilderness Study Areas, CA Boxer Wilderness, CA-proposed Wilderness, NV-proposed Wilderness, sage-grouse habitat, redundant to 18-224.

**23-106**: National Conservation Area, Area of Critical Environmental Concern.

**23-25**: critical habitat, National Conservation Area, Area of Critical Environmental Concern.

**264-265**: critical habitat, National Conservation Area, citizen-proposed Wilderness, USFS Inventoried Roadless Area.

**107-268**: National Forest, citizen-proposed Wilderness.

**101-263**: critical habitat; WSR; CA-proposed Wilderness, citizen-proposed Wilderness, USFS Inventoried Roadless Area.

## NEVADA

**17-35**: access to coal plant, impacts to sage-grouse habitat.

**16-24**: Wilderness, National Conservation Area, National Historic Place, BLM Wilderness Study Area (in Oregon).

**16-104**: BLM Wilderness Area.

**44-110**: sage-grouse habitat.

**110-233**: sage-grouse habitat.

**110-114**: sage-grouse habitat, undisturbed, USFS Inventoried Roadless Area.

**223-224**: Areas of Critical Environmental Concern, Desert National Wildlife Refuge.

**39-113, 39-231**: Pahrnagat National Wildlife Refuge, Rainbow Gardens ACEC, near proposed Gold Butte National Conservation Area, Black Mountain tortoise habitat.

## UTAH

**110-114**: much undisturbed, National Historic Place, BLM Wilderness Study Area, UT-proposed Wilderness.

**66-259**: access to coal plant, impacts to USFS Inventoried Roadless Area.

**66-212**: access to coal plant, impacts to National Historic Places, America’s Byways, Old Spanish Trail, BLM Wilderness Study Area, UT-proposed Wilderness, critical habitat, adjacent to Arches National Park.

**116-206**: undisturbed, monument, Old Spanish Trail, UT-proposed Wilderness, near USFS Inventoried Roadless Area.

**68-116**, Grand Staircase National Monument, Paria River.

**126-258**: access to coal plant.

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COLORADO

**130-274 and 130-274(E):** access coal, directly or indirectly impacts Gunnison sage-grouse conservation areas, occupied Gunnison sage-grouse habitat, CO-proposed Wilderness, USFS IRA.

**87-277:** coal, Wilderness, sage-grouse habitat; National Historic Places.

**144-275:** coal, wilderness, National Historic Places.

ARIZONA

**68-116:** access to coal, impacts to Grand Staircase-Escalante National Monument, Wild & Scenic Rivers, scenic byway.

**62-211:** access to coal, impacts to citizen-proposed and designated Wilderness, National Historic Place, Wild & Scenic Rivers, Mexican spotted owl critical habitat.

**47-231:** desert tortoise and bonytail critical habitat, Area of Critical Environmental Concern, Lake Mead National Recreation Area.

**41-47:** impacts to Black Mountain population for desert tortoise.

**41-46:** impacts to Black Mountain population for desert tortoises.

**46-270:** Wild & Scenic river, Southwestern willow flycatcher critical habitat.

**46-269:** proposed and designated Wilderness areas, Wild and Scenic Rivers, Three Rivers Area of Critical Environmental Concern.

NEW MEXICO

**81-272:** Sevilleta National Wildlife Refuge, National Conservation Areas.

**SECTION 368 INTERAGENCY WORKGROUP MEMBERS  
AND  
AGENCIES' PRINCIPAL CONTACTS**

<b>Agency</b>	<b>Name</b>	<b>Title</b>	<b>Member/Contact</b>
<b>Bureau of Land Management (BLM)</b>	<b>Michael D. Nedd</b>	<b>Assistant Director, Minerals and Realty Management</b>	<b>Principal</b>
BLM	Kim Berns	Division Chief	Workgroup
BLM	Lucas Lucero	Branch Chief	Workgroup
BLM	Beth Ransel	Program Lead	Workgroup
BLM	Beth Wenstrom	Supervisory Cartographer	Workgroup
BLM	Brian Mueller	GIS Specialist	Workgroup
BLM	Kate Winthrop	Senior Archaeologist	Workgroup
BLM	Andrew Strasfogel	Senior Planning & Environmental Analyst	Workgroup
BLM	Kerry Rodgers	Planning & Environmental Analyst	Workgroup
BLM	Maryanne Kurtiniatis	Realty Specialist	Workgroup
BLM	Emily Orlor	Realty Specialist	Workgroup
BLM	Mike Sarich	Realty Specialist	Workgroup
Department of Interior	Michael Smith	Solicitor	Workgroup
<b>Department of Energy (DOE)</b>	<b>Jon Worthington</b>	<b>Deputy Assistant Secretary</b>	<b>Principal</b>
DOE	Brian Mills	NEPA Compliance Officer	Workgroup
DOE	Lamont Jackson		Workgroup
<b>Forest Service (FS)</b>	<b>Leslie A. C. Weldon</b>	<b>Deputy Chief, National Forest System</b>	<b>Principal</b>
FS	Gary Schiff	Assistant Director	Workgroup
FS	Reggie Woodruff		Workgroup
FS	Steve Dodds	Program Manager	Workgroup
FS	Milo Booth		Workgroup
Department of Agriculture	Ellen Hornstein	General Counsel	Workgroup